

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

ALLOC, INC., a Delaware corporation,
BERRY WOOD S.A., a French company,

Plaintiffs,

v.

PERGO, INC., a Delaware corporation,
PERGO AB, a Swedish company,

Defendants.

JUDGMENT

Case No. 02-C-0736

PERGO, INC., and PERGO (EUROPE) AB,

Plaintiffs,

v.

ALLOC, INC., ARMSTRONG WORLD
INDUSTRIES, INC., and BERRY FINANCE NV,

Defendants.

Consolidated With:
Case No. 03-C-616

- ☒ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and on December 13, 2007, the jury returned a verdict finding that claims 1 and 32 of the '547 patent and claims 1,4,7,10,11 and 12 of the '970 patent are not infringed and are invalid on multiple grounds.

and

- ☒ **Decision by Court.** On September 25-26, 2008 the court held a bench trial in connection with the claims of inequitable conduct asserted by Alloc, Inc., Berry Wood SA and Armstrong Industries, Inc., (collectively, "the Alloc Parties") against Pergo, Inc and Pergo (Europe) AB (collectively, "Pergo") and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Alloc did not infringe Pergo's U.S. Patent Nos. 6,397,547 ("the 547 patent") and 6,421,970 ("the 970 patent").

IT IS FURTHER ORDERED AND ADJUDGED that the Alloc Parties' request for judgment on their defense that Pergo engaged in inequitable conduct in its prosecution of the application for the '547 and '970 patents rendering such patents unenforceable is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that Pergo's Proposed Findings of Fact, Counterstatement to the Alloc Parties' Proposed Findings of Fact regarding Inequitable Conduct and Conclusions of Law on the Issue of Inequitable Conduct are **ADOPTED**.

IT IS FURTHER ORDERED AND ADJUDGED that Pergo is **AWARDED** its costs incurred in connection with its defense of the Alloc Parties' claims of inequitable conduct.

IT IS FURTHER ORDERED AND ADJUDGED that Pergo's Rule 60(b) motion for a new trial is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that these consolidated actions be and the same are hereby **DISMISSED**.

October 10, 2008

Date

JON W. SANFILIPPO

Clerk

s/Nancy A. Monzingo

(By) Deputy Clerk